

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicants have herein amended claims 74, 77, 81-84, and 87. Claims 45-55, 58, 60, 62, 65-67, 69-71, and 79 have been canceled without prejudice. Claims 91 to 96 have been added. Accordingly, upon entry of this Amendment, claims 74-77, and 81-96 will remain pending in the Application. Entry of the Amendment and favorable reconsideration of the Application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103(a)

Claims 45-50, 54-55, 60, 62, 65-67, 69-74, 77, 79, 81-84, 87-90 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kinrot (US Patent 6574193) in view of Nishio et al. (US Patent 6192039), or alternatively, Nishio in view of Kinrot. In response, Applicants have further amended the independent claims to highlight the novel features of the present invention. In response, Applicants have canceled claims 45-55, 58, 60, 62, 65-67, 69-71, and 79 without prejudice to later drafting claims claiming their subject matter. The remaining independent claims 74, 77, 81, and 87 have been amended to further highlight their distinguishing features.

The present invention is directed to a specific procedure for traffic control in a communication network. This specific procedure involves at least two end terminals, each communicating with an access network via an air interface, with the aim of communicating with each other over a core network that is in communication with the access networks. According to the present invention, the procedure for traffic control includes monitoring the air interfaces to determine their respective current maximum supportable communication rates. These rates are compared, the communication rate for communications between the two end terminals are set to a rate less than or equal to the lowest compared rate. This solution is not found in the known prior art.

As noted in the Office Action, Kinrot fails to disclose monitoring the availability of air interface resources, which are typically used by mobile (or wireless) terminals to

access a network. For this reason, of course, Kinrot also fails to disclose either communicating or comparing two (or more) air interface maximum information transmission rates, and also therefore fails to disclose setting a maximum communication rate based on this comparison. In short, Kinrot fails to disclose most of the distinguishing features of the present invention as they are now recited.

Nishio also fails to disclose monitoring the air interfaces used by at least two end terminals that wish to communicate with each other over a core network, it therefore does not teach comparing the maximum communication rates supportable by the respective air interfaces, and of course cannot set a communication rate for the session between the at least two terminals based on such a comparison. In short, Nishio fails to disclose most of the distinguishing features of the present invention as they are now recited.

Even in combination, Kinrot and Nishio fail to teach or suggest most of the distinguishing features of the present invention as they are now recited. Namely, since neither reference discloses monitoring the air interfaces used by at least two end terminals that wish to communicate with each other over a core network, comparing the maximum communication rates supportable by the respective air interfaces, and setting a communication rate for the session between the at least two terminals based on such a comparison, it follows that the references in combination cannot disclose these features.

Neither ITU-T Recommendation I.366.1 nor Brueckheimer adds any of the relevant features missing from Kinrot and Nishio.

To the extent necessary, the arguments made by Applicants in previous Responses are re-urged in light of the above remarks. The Examiner's statements in the Response to Arguments of the Office Action are acknowledged, though traversed. Moreover, Applicants respectfully suggest they are no longer applicable to the claims as amended herein, especially in light of the remarks set forth above.

Various of the dependent claims, which are distinguishable from the cited prior art at least by virtue of their dependency, have been amended consistent with the amendments made to the independent claims.

New independent claim 91, and new claims 92-96 which depend directly or indirectly from it, also include the distinguishing features described above. Basis for these claims may be found in the present Application, for example, at page 3, line 15 to page 4, line 5.

In light of the amendments to the claims and the above remarks, Applicants respectfully suggest that this ground for rejection has been overcome.

The Examiner also rejected claims 51, 57, 75 and 85 under 35 U.S.C. § 103(a) as being unpatentable over Kinrot in view of Nishio, further in view of ITU-T Recommendation I.366.1, Segmentation and Reassembly Service Specific Convergence Sublayer for the AAL Type 2 ("ITU-T"). In response, Applicants state that claim 57 was previously canceled, and claim 51 is canceled herein. Further, claims 75 and 85 are dependent from a respective one of independent claims 74 or 81. As described above, Applicants have amended these independent claims and believe they are now clearly distinguishable from Kinrot and Nishio. Since the ITU-T reference does not add any of the features missing from those references, claims 75 and 85 are distinguishable from the cited prior art at least by virtue of their dependency.

In light of the amendments to the claims and the above remarks, Applicants respectfully suggest that this ground for rejection has also been overcome.

The Examiner rejected claims 52, 53, 58, 59, 76 and 86 under 35 U.S.C. § 103(a) as being unpatentable over Kinrot in view of Nishio, and further in view of Brueckheimer, et al. (US 6,574,224). In response, Applicants state that claim 59 was previously canceled, and claims 52-53 and 58 are canceled herein. Further, claims 76 and 86 are dependent from a respective one of independent claims 74 or 81. As described above, Applicants have amended the independent claims and believe they are now clearly distinguishable from Kinrot and Nishio. Since Brueckheimer does not add any of the features missing from those references, claims 76 and 86 are distinguishable from the cited prior art at least by virtue of their dependency.

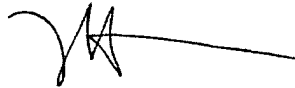
In light of the amendments to the claims and the above remarks, Applicants respectfully suggest that this ground for rejection has also been overcome.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner enter this Amendment, withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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